

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTES

Date: March 24, 2023	Time: 50 minutes 1:30 p.m. to 2:20 p.m.	Judge: WILLIAM H. ORRICK
Case No.: 17-cv-06748-WHO	Case Name: Diaz v. Tesla, Inc.	

Attorneys for Plaintiff: Larry Organ, Bernard Alexander, Dustin Collier, and Michael Rubin
Attorneys for Defendant: Alex Spiro, Daniel Posner, Mari Henderson, and Asher Griffin

Deputy Clerk: Jean Davis

Court Reporter: Marla Knox

PROCEEDINGS

Videoconference conducted. Parties announce that agreement has been reached to excuse prospective jurors 45, 48, and 59.

Prospective Juror 35 has been excused by jury office upon proof of prior jury service within the past year.

Counsel then agree to excuse prospective jurors 2, 19, 21, 31 and 56. No other agreement was reached by the parties.

Recently filed objections have been reviewed by the Court. The Court overrules Tesla's exceptions to the Court's preliminary jury instructions, most of which it made previously. The Court overrules Tesla's objection to plaintiff's opening slides 2-5. The preliminary instructions incorporate issues already established, and there is no reason plaintiff cannot refer to them by way of describing what he thinks the evidence will show regarding compensatory and punitive damages.

To consider the objection to slides related to Amy Oppenheimer, the Court asks that plaintiff's counsel provide a copy of Ms. Oppenheimer's report.

A process to avoid potential taint of the panel by public questioning of prospective jurors with strong opinions about potentially material matters is discussed. The Court will advise counsel of the measures that will be taken to address this concern at the 8:30 a.m. attorney conference prior to the start of jury selection.

Order of witness testimony briefly discussed. Defense heard concerning its objection to any suspension of plaintiff's witnesses' testimony to allow for the testimony of other witnesses. Appropriate scope of inquiry revisited. It will be beneficial to the opposing party and the Court

to know the sequence of witnesses in advance; at a minimum, the parties shall follow the Pretrial Order concerning notice by at least 2:00 p.m. the day prior to testimony.